

Idaho State Board of Medicine and
Committee on Professional Discipline Special Meeting
via Conference Call
Petitions for Reconsideration in Case No. BOMA-1842 February 10, 2011

Idaho State Board of Medicine (Board) members attendees: Chairman David A. McClusky, II, M.D., Twin Falls; Vice Chairman Leo S. Hail, M.D., Nampa; Barry F. Bennett, M.D., Idaho Falls; Laura A. McGeorge, M.D., Boise; Ralph M. Sutherlin, D.O., Meridian; William F. Ganz, M.D., Coeur d'Alene; and Joyce McRoberts, public member, Meridian, and Trudy Jackson, public member, Emmett. William A. Cone, M.D., Lewiston; and, Colonel Jerry Russell, Director, Idaho State Police were absent and excused. Board staff attendees: Joan Weddington, Ph.D., Executive Director, Mary Leonard, Associate Director, and Cathleen Morgan, Board counsel.

Idaho State Board of Medicine's Committee on Professional Discipline (COPD) attendees: Chairperson Julia K. Bouchard, M.D., Boise; Wendell L. Wells, Jr., M.D., Burley; Michael Johnson, Public Member, Boise, and Arthur C. Jones, III, M.D., Boise. Stephen R. Marano, M.D., Idaho Falls was absent and excused. Board staff attendees: Joan Weddington, Ph.D., and Cathleen Morgan, Board counsel. Due to Chairperson Julia Bouchard, MD's concern that she could be called away emergently, Wendell Wells, MD, conducted the COPD meeting.

All participating members signed a Certificate of Approval attesting they had read the record in Case No. BOMA-1 842, were able to fairly and impartially review the contents of the record as a whole, considered this matter solely on the contents of the record and, to their knowledge and belief, did not have a conflict of interest in this matter which precluded their participation in the meeting on February 10, 2011.

Wendell Wells, MD, called the COPD meeting to order for Chairperson Julia Bouchard, M.D. at 5:05 p.m. on Thursday, February 10, 2010.

Motion to go into Executive Session at 5: 06 p.m. via roll call in accordance with Idaho Code § 67- 2345(b), (d) and (f) to consider the record in Case No. BOMA-1842 consequent to Respondent's and Board attorney Jean Uranga's Petitions for Reconsideration of the Board's Final Order issued on January 12, 2011. (Bouchard — Affirmed unanimously via roll call: Jones, Wells, Johnson)

The COPD considered Case No. BOMA-1842 solely upon the record, the Petitions for Reconsideration, a summary of options provided by Ms. Morgan, as well as applicable statutes and rules. Extensive discussion took place regarding the Petitions for Reconsideration.

Motion to leave Executive Session at 5:28 p.m. on Thursday, February 10, 2010 (Johnson/Unanimous).

In open session, the COPD acted to recommend denial of Respondent's Petition for Reconsideration, and accept the Board attorney Jean Uranga's Petition for Reconsideration and amendments to the Final Order, e.g., public Final Order, administrative costs. (Jones/Unanimous)

Wendell Wells, M.D., adjourned the COPD meeting for Chairperson Julia Bouchard, MD at 5:30 p.m. on Thursday, February 10, 2011.

Chairman McClusky, M.D., called the Board meeting to order at 5:31p.m. on Thursday, February 10, 2011.

The Board acted to ratify COPD meeting on Thursday, February 10, 2011.
(Jackson/Unanimous)

Motion to go into Executive Session 5:32 p.m. via roll call in accordance with Idaho Code § 67- 2345(b), (d) and (f) to consider the record in Case No. BOMA-1842 consequent to Respondent's and Board attorney Jean Uranga's Petitions for Reconsideration of the Board's Final Order issued on January 12, 2011. (Jackson — Affirmed unanimously via roll call: Bennett, Harf, McGeorge, Ganz, Sutherlin and McClusky)

The Board considered Case No. BOMA-1842 solely upon the record, the Petitions for Reconsideration, the COPD's recommendations, summary of options provided by Ms. Morgan, Board counsel, as well as applicable statutes and rules.

Motion to leave Executive Session at 5:40 p.m. on Thursday, February 10, 2010
(Johnson/Unanimous).

In open session, the Board acted to accept the COPD's recommendations. Ms. Morgan will prepare a draft of the Order Denying Respondent's Petition for Reconsideration and forward to Chairman McClusky, M.D., for review and signature prior to sending to Respondent's attorney. (Bennett/Unanimous)

The Board discussed the following proposed legislation to amend Idaho Code 54-1804 (h), (the Medical Practice Act): "This exception shall specifically include individuals trained in and holding the outdoor emergency care credential, as issued by the national ski patrol system, inc., while rendering aid in accordance with the standards of training of such credential, where no fee for the service is contemplated, charged or received."

Motion to have Ms. Weddington testify in opposition to the proposed legislation
(Bennett/Unanimous).

Chairman David A. McClusky, II, M.D., adjourned the Board meeting at 5:55 p.m. on February 10, 2011.